

## Deon Gericke

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**From:** Christinah Msimango <ChMsimango@judiciary.org.za>  
**Sent:** Friday, 24 June 2022 14:33  
**To:** jhbadm@law.co.za; jhbbar@law.co.za; gautengnbcsa@outlook.com; gautengsocadv@gmail.com; nfa.advocates@gmail.com; northgautengadv@gmail.com; northgautengadv@gmail.com; info@nationalbarcouncil.co.za; info@churchsquarebar.co.za; Deon Gericke; Yvonne Badenhorst; reception@loftusadv.co.za; manager@gkchambers.co.za; manager@gkchambers.co.za; manager@clubadvocates.co.za; manager@clubadvocates.co.za; manager@advchambers.co.za; manager@advchambers.co.za; faan@vercueil.co.za; faan@vercueil.co.za; thobekile@lowndes.co.za; thobekile@lowndes.co.za; alex@lowndes.co.za; alex@lowndes.co.za; jan@riaanbosch.co.za; jan@riaanbosch.co.za; riaan@riaanbosch.co.za; riaan@riaanbosch.co.za; nomlayo.mabhena@cdhlegal.com; Adele Loubser; nomlayo.mabhena@cdhlegal.com; communication@ipc.org.za; communication@ipc.org.za; data@saflii.org; admin@pabasa.co.za; admin@pabasa.co.za; info@nationalbarcouncil.co.za; info@nationalbarcouncil.co.za; baradmin@law.co.za; baradmin@law.co.za; info@bla.org.za; info@bla.org.za; gautengsecretary@blaonline.org.za; gautengsecretary@blaonline.org.za; mscapebar@law.co.za; mscapebar@law.co.za; admin@csadvocates.co.za; admin@csadvocates.co.za; legalpracticecouncil@ipc.org.za; legalpracticecouncil@ipc.org.za; ptabar@law.co.za; info@jaa.org.za; info@jaa.org.za; collinL@raf.co.za; collinL@raf.co.za; courtrol@sadvocates.co.za; courtrol@sadvocates.co.za; Yvonne Badenhorst; Yvonne Badenhorst; bertwiltz@lantic.net; lana@ppv.co.za; lana@ppv.co.za; admin@csadvocates.co.za; admin@csadvocates.co.za; motions@slerouxprok.co.za; motions@slerouxprok.co.za; admin@blaonline.org.za; admin@blaonline.org.za; ppv@ppv.co.za; Adele Loubser  
**Cc:** Katlego Sebola  
**Subject:** RE: URGENT COURT DIRECTIVE AND INDIVIDUAL ROLLS: PHAHLANE J AND NYATHI J  
**Attachments:** URGENT COURT DIRECTIVE - 24 June - 1 July amended.pdf

Good Day

Please see attached amended Directive, there was an error regarding Ms Sebola's office number which has now been rectified. My apologies for any inconvenience caused.

Kind regards  
Christinah M

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**From:** Christinah Msimango  
**Sent:** Friday, 24 June 2022 13:23  
**To:** 'jhbadm@law.co.za' <jhbadm@law.co.za>; 'jhbbar@law.co.za' <jhbbar@law.co.za>; 'gautengnbcsa@outlook.com' <gautengnbcsa@outlook.com>; 'gautengsocadv@gmail.com' <gautengsocadv@gmail.com>; 'nfa.advocates@gmail.com' <nfa.advocates@gmail.com>; 'northgautengadv@gmail.com' <northgautengadv@gmail.com>; 'northgautengadv@gmail.com' <northgautengadv@gmail.com>; 'info@nationalbarcouncil.co.za' <info@nationalbarcouncil.co.za>; 'info@churchsquarebar.co.za' <info@churchsquarebar.co.za>; 'Deon Gericke' <manager@ptabar.com>; 'secretary@ptabar.com' <secretary@ptabar.com>; 'reception@loftusadv.co.za' <reception@loftusadv.co.za>; 'manager@gkchambers.co.za' <manager@gkchambers.co.za>; 'manager@gkchambers.co.za' <manager@gkchambers.co.za>; 'manager@clubadvocates.co.za' <manager@clubadvocates.co.za>; 'manager@clubadvocates.co.za' <manager@clubadvocates.co.za>; 'manager@advchambers.co.za' <manager@advchambers.co.za>; 'manager@advchambers.co.za' <manager@advchambers.co.za>; 'faan@vercueil.co.za' <faan@vercueil.co.za>; 'faan@vercueil.co.za' <faan@vercueil.co.za>; 'thobekile@lowndes.co.za' <thobekile@lowndes.co.za>; 'thobekile@lowndes.co.za' <thobekile@lowndes.co.za>; 'alex@lowndes.co.za' <alex@lowndes.co.za>; 'alex@lowndes.co.za' <alex@lowndes.co.za>; 'jan@riaanbosch.co.za' <jan@riaanbosch.co.za>; 'jan@riaanbosch.co.za' <jan@riaanbosch.co.za>; 'riaan@riaanbosch.co.za' <riaan@riaanbosch.co.za>; 'riaan@riaanbosch.co.za' <riaan@riaanbosch.co.za>; 'nomlayo.mabhena@cdhlegal.com'

<nomlayo.mabhena@cdhlegal.com>; 'Adele Loubser' <adele@lawcircle.co.za>; 'nomlayo.mabhena@cdhlegal.com'  
<nomlayo.mabhena@cdhlegal.com>; 'communication@lpc.org.za' <communication@lpc.org.za>;  
'communication@lpc.org.za' <communication@lpc.org.za>; 'data@saflii.org' <data@saflii.org>; 'admin@pabasa.co.za'  
<admin@pabasa.co.za>; 'admin@pabasa.co.za' <admin@pabasa.co.za>; 'info@nationalbarcouncil.co.za'  
<info@nationalbarcouncil.co.za>; 'info@nationalbarcouncil.co.za' <info@nationalbarcouncil.co.za>; 'baradmin@law.co.za'  
<baradmin@law.co.za>; 'baradmin@law.co.za' <baradmin@law.co.za>; 'info@bla.org.za' <info@bla.org.za>;  
'info@bla.org.za' <info@bla.org.za>; 'gautengsecretary@blaonline.org.za' <gautengsecretary@blaonline.org.za>;  
'gautengsecretary@blaonline.org.za' <gautengsecretary@blaonline.org.za>; 'mscapebar@law.co.za'  
<mscapebar@law.co.za>; 'mscapebar@law.co.za' <mscapebar@law.co.za>; 'admin@csadvocates.co.za'  
<admin@csadvocates.co.za>; 'admin@csadvocates.co.za' <admin@csadvocates.co.za>; 'legalpracticecouncil@lpc.org.za'  
<legalpracticecouncil@lpc.org.za>; 'legalpracticecouncil@lpc.org.za' <legalpracticecouncil@lpc.org.za>; 'ptabar@law.co.za'  
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<courtroils@csadvocates.co.za>; 'courtroils@csadvocates.co.za' <courtroils@csadvocates.co.za>; 'secretary@ptabar.com'  
<secretary@ptabar.com>; 'secretary@ptabar.com' <secretary@ptabar.com>; 'bertwiltz@lantic.net'  
<bertwiltz@lantic.net>; 'lana@ppv.co.za' <lana@ppv.co.za>; 'lana@ppv.co.za' <lana@ppv.co.za>;  
'admin@csadvocates.co.za' <admin@csadvocates.co.za>; 'admin@csadvocates.co.za' <admin@csadvocates.co.za>;  
'motions@slerouxprok.co.za' <motions@slerouxprok.co.za>; 'motions@slerouxprok.co.za' <motions@slerouxprok.co.za>;  
'admin@blaonline.org.za' <admin@blaonline.org.za>; 'admin@blaonline.org.za' <admin@blaonline.org.za>;  
'ppv@ppv.co.za' <ppv@ppv.co.za>; 'Adele Loubser' <adele@lawcircle.co.za>

**Cc:** Katlego Sebola <KSebola@judiciary.org.za>

**Subject:** URGENT COURT DIRECTIVE AND INDIVIDUAL ROLLS: PHAHLANE J AND NYATHI J

Good day All

Please see attached URGENT COURT DIRECTIVE and INDIVIDUAL ROLLS from the Chambers of the Honourable Justices Phahlane J and Nyathi J for your attention.



*Kind Regards*

Mrs Christinah Msimango

Judge's Secretary

Office no 5.5 (5<sup>th</sup> floor)

Gauteng High Court, Pretoria Division

Cnr Madiba & Paul Kruger Street

Tel: 012 492 6890

Email: [ChMsimango@judiciary.org.za](mailto:ChMsimango@judiciary.org.za)

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**REPUBLIC OF SOUTH-AFRICA**  
**THE HONOURABLE JUDGE PHAHLANE**

HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION  
P O Box 442, PRETORIA

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TO: ALL PRACTITIONERS

24 June 2022

**IN RE: IMPLEMENTATION OF THE JUDGE PRESIDENT'S DIRECTIVE  
DATED 24 JUNE 2022 FOR THE URGENT COURT OF 24 JUNE 2022  
(16:00) TO 1 JULY 2022 (16:00) BEFORE MADAM JUSTICE PHAHLANE J  
AND JUSTICE NYATHI J**

1. All applications which have already been enrolled by 12:00 on Thursday 23 June 2022 (when the roll closed) are indicated on the roll for Urgent Applications. Separate rolls will be distributed Judge Phahlane and Judge Nyathi after the allocation of matters have been finalised.
2. All applications should already have been uploaded on Caselines as required in terms of par. 172 - 183 of the JP's Directive of 11 June 2021. When an application is brought for Tuesday at 10:00 the applicant must ensure that all the relevant papers are filed by the preceding Thursday at 12:00. **If an application has not been filed, i.e. all papers fully uploaded by 12:00 on Thursday 23 June 2022 (when the roll closed, and subject to the degrees of urgency), the application may not be heard and may be struck off the roll (Practice Directive, Annexure "A" to 13.24, par [4], sub par 3, p H2-139). Papers which have not been properly indexed and paginated also run the risk of being struck off the roll.**
3. **In all matters** (opposed and unopposed) a **Practice Note as well as Heads of Argument** must also be served and filed (on Caselines only and **not** to be sent to the Judge's secretary) by all parties concerned. The application will then be adjudicated by means of an oral hearing, **unless there is a written**

indication that it will not be necessary. Oral hearings will be conducted via Microsoft Teams, subject to a time limitation, if necessary.

4. Failure to file Practice Note(s) and/or Heads of Argument timeously, will be an indication that there is no appearance for the party concerned and the application may then either be struck off the roll or be dealt with in the absence of such party.

5. The practice note must indicate at least the following (to assist the Judge who will do the allocations and for both judges to be used in their preparation):

5.1 Particulars and **contact details** of the legal practitioners;

5.2 Nature of the relief sought (without referring to the notice of motion);

5.3 Total number of pages;

5.5 A brief summary of the factual as well as legal issues involved;

5.4 A clear indication (without referring to the heads of argument) which portion of the papers must be read and which not;

5.5 The main issues to be considered;

5.6 A brief summary of the urgency or absence thereof;

5.7 Whether there was service by the sheriff, and if not, why not (unopposed applications);

5.8 Estimated duration;

5.9 Whether the matter is **opposed or not**.

Failure to file a practice note setting out all the above information, par by par individually, may result in the application be struck off the roll and a punitive cost order be granted.

6. The Practice Note must be served and filed (on Caselines only) by no later than Friday 24 June 2022 at 15h30 (for the allocations to be done as soon as possible (failing which the matter may be struck off the roll) and the **Heads of**

**Argument by no later than Monday 27 June 2022 at 10:00 (on Caselines only)**. The applicant must also set out the reasons, in the Heads of Argument, why the matter is so urgent that it must be heard during the week concerned, by referring to the evidence in the founding affidavit. In unopposed matters the applicant must also indicate, in the practice note, where in the court papers the **Sheriff's return of service** is to be found.

7. The Practice Directive regarding Urgent Applications (Chapter 13.24) will still apply (to opposed and unopposed applications) and the Rules pertaining to urgency **will be strictly enforced**. Compliance with annexure "A" (13.24), more particularly par [4], subparagraphs (1) to (11) thereof, as referred to in paragraph 11 of Chapter 13.24 of the Practice Manual, will also be strictly enforced. **If a matter is not ready to be adjudicated on the date and the time indicated in the notice of motion (subject to the degrees of urgency) and/or not so urgent as indicated in the Rules and the Practice Directive, it may be struck off the roll in which event a punitive costs order may be made.**
8. **All new applications**, after hours or during court hours, must first be brought to the attention of Judge Phahlane's clerk during the weekend and Judge Nyathi's clerk during the week. In this regard the provisions of paragraph 7.1 to 7.4 of Chapter 13.24 of the Practice Manual will apply *mutatis mutandis*. All the provisions regarding the **Practice Note and Heads of Argument** referred to above, will apply *mutatis mutandis* to all new applications. **All Rules and principles regarding urgency will also apply to these applications and will be strictly enforced.** The urgent Court cellular number for Pretoria is: 065 859 4819.
9. Filing of papers which were **impossible** to upload on Caselines, must be done via email to the Judges' clerks, **with an affidavit** explaining what steps were taken to upload, when and by whom the steps were taken and why it was not possible to upload on Caselines. The judge's clerk must then be informed telephonically that an email has been sent.

**Particulars of the clerk of Judge Phahlane are as follows:**

**Ms Christina Msimango**

**Tel: 012 492 6890**

**Email: ChMsimango@judiciary.org.za**

**Particulars of the clerk Judge Nyathi are as follows:**

**Ms Katlego Sebola**

**Tel: 012 492 6754**

**Email: KSebola@judiciary.org.za**

10. It should finally be pointed out that there is a growing tendency (especially during the lockdown period and during recess) **to abuse the urgent court in two ways: First**, to set matters down which are not ripe for hearing, not being urgent or where self-created urgency is applicable. **This will not be allowed. Second, the urgent court is not intended to hear complex factual and/or legal issues** scattered over hundreds of pages and which may take a long time to consider and finalise (when new matters may also be encountered on a daily basis in the urgent court). This will prevent other parties having their matters be adjudicated in time. **Such complex cases may be removed from the roll and the parties may be referred to the Deputy Judge president to be allocated a special court at some time in future (cf Practice Manual, annexure "A" to 13.24, par [4] sub par (10) and (11), page H2-141).**
  
11. All practitioners are requested to prepare a **draft court order by using "MS Word format"** (to allow for alterations) and **to upload it onto Caselines only**. A failure to comply with this request may result in the application be struck off the roll.
  
12. It is the duty of the applicant's attorney to ensure that the matter is **timeously (before the closing of the roll)** and fully uploaded onto Caselines, with an index to identify and find documents easily, and that the Judge will have access to it.

MADAM JUSTICE PHAHLANE J  
JUDGE OF THE HIGH COURT  
PRETORIA.